

Application No. 10/810,831
Reply to Office Action of July 12, 2006

IN THE DRAWINGS

The attached sheets of drawings include changes to Fig. 4, and provide a new FIG. 4B, based on the disclosure in the specification on page 17. These sheets, which include Figs. 4A and 4B, replace the original sheet including Fig. 4A.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 62-63, 65-77, and 82 are presently active. Claims 62, 63, 65, and 82 have been presently amended. Claims 1-61, 64, 78, 79, 80, 81, and 83 were previously canceled without prejudice.

In the Office Action, Claims 62-63 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawamata et al (Jap. Pat. No. JP 2001-75449A). Claims 64-77 and 82 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kataoka et al (U.S. Pat. No. 6,6,389,260) in view of Ohtoshi et al (U.S. Pat. No. 6,519,428).

Firstly, Applicants acknowledge with appreciation the courtesy of Examiner Grainger to interview this case on October 5, 2006, during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter and on the Interview Summary Sheet.

Independent Claim 62 presently defines a tandem image forming device having a plurality of image forming sections arranged side by side *on an incline* and each including a developing device and a cleaning device arranged around an image carrier, and one of nearby ones of the plurality of image forming sections having the cleaning device thereof positioned overhanging a part of the developing device of other image forming sections. Such a configuration is shown illustratively in Applicants' Figure 4 in which for example cleaning device 63 for the left-hand image carrier 40 overhangs a part of developing device 61 of the right-hand side image carrier 40.

During the interview, it was pointed out that image forming devices in Kawamata et al are not arranged on an incline.

Thus, it is respectfully submitted that Claim 62 and independent Claim 63 which defines similar features are not anticipated by Kawamata et al, and thus patentably define over Kawamata et al.

Further, as discussed during the interview, independent Claim 65 defines an image forming apparatus having an intermediate image transfer body implemented as an inclined belt, process cartridges arranged along the intermediate image transfer body with each of the process cartridges having a developing device and a cleaning device, where the developing device is arranged above the cleaning device. Independent Claim 82 defines similar features.

Furthermore, as clarified by the language discussed during the interview, both independent Claims 65 and 82 define a fixing device arranged in a space of the image forming apparatus *beneath* the inclination of the belt. Such a configuration is shown illustratively in Applicants' Figure 5 in which for example the left-most developing device 61 and the left-most cleaning device 18 are arranged along the inclined belt 10 with the developing device due to the inclination being above the cleaning device, and fixing device 25 is shown therein located beneath the inclined belt 10.

In Kataoka et al, the fixing device 8 is located on the left-most side of the image forming apparatus and above the inclined belt section. Thus, Kataoka et al do not disclose or suggest a fixing device arranged in a space of the image forming apparatus beneath the inclination of the belt, as defined in independent Claims 65 and 82. Moreover, the deficiencies in Kataoka et al are not overcome by Ohtoshi et al. Ohtoshi et al show in Figure 1 a fixing device 40 located above the inclined belt section.

Hence, a combination of Kataoka et al and Ohtoshi et al does not disclose or suggest the features defined in independent Claims 65 and 82. Thus, independent Claims 65 and 82 (and the claims dependent therefrom) are believed to patentably define over Kataoka et al and Ohtoshi et al.

Lastly, the outstanding Office Action takes Official Notice regarding that it is known in the art the features of “use a fixing belt, formed an intermediate transfer belt of several layers, form an agitating section in the developing device, and a control section.” M.P.E.P. § 2144.03 states that it is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record. Accordingly, Applicant traverses the outstanding 35 U.S.C. § 103 rejection based on the Official Notice taken for the reason that, without the temporal and structural context by which these features are known to the artisan, it is impossible to conclude that it would be obvious for one of ordinary skill in the art at the time of the invention to combine those noticed features with the art of record. Indeed, the context by which these features are allegedly known might itself provide reasons to rebut a *prima facie* case of obviousness.

Hence, those claims of dependent Claims 65-77 reciting the above-identified noticed features are for this reason (and for their dependence from independent Claim 64) believed to patentably define over Kataoka et al and Ohtoshi et al.

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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